

AN ORDINANCE

03-0-1218

BY TRANSPORTATION COMMITTEE

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION OF TAKING METHOD TO OBTAIN FEE SIMPLE TITLE TO THE REAL PROPERTIES DESCRIBED AND IDENTIFIED SAID PROPERTIES BEING LOCATED IN CLAYTON COUNTY AND NECESSARY FOR PUBLIC USE IN CONNECTION WITH THE FIFTH RUNWAY PROJECT AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT, AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (hereinafter "City"), as owner and operator of the William B. Hartsfield Atlanta International Airport, (hereinafter "Airport") has undertaken the construction of an additional runway, referred to as the Fifth Runway Project, in an area located south of the Airport in the City of College Park and in unincorporated Clayton County; and

WHEREAS, it was and continues to be necessary for the City to acquire property located in Clayton County to accommodate the Fifth Runway Project; and

WHEREAS, in Section 2.1 of the March 16, 2000 Intergovernmental Agreement between Clayton County and the City of Atlanta, Clayton County gave its consent to the City to acquire by condemnation certain properties within Clayton County's jurisdiction for the Fifth Runway Project; and

WHEREAS, since Clayton County and the City of Atlanta entered into the March 16, 2000 Intergovernmental Agreement consenting to the City acquiring by condemnation certain properties within Clayton County's jurisdiction for the Fifth Runway Project, the City has determined that certain additional properties within Clayton County are needed for the Fifth Runway Project and those properties are identified in Exhibit A (the "Additional Properties"), which is herein incorporated and made part hereof, and as shown on file with the Program Manager for the Hartsfield Development Program; and

WHEREAS, the City requested that Clayton County consent to the City acquiring by condemnation the Additional Properties within Clayton County's jurisdiction for the Fifth Runway Project by amendment to the March 16, 2000 Intergovernmental Agreement or otherwise; and

WHEREAS, time is of the essence for the acquisition of the Additional Properties identified herein; and

WHEREAS, on July 15, 2003, Clayton County gave its consent to the City acquiring by condemnation the Additional Properties within Clayton County's jurisdiction for the Fifth Runway Project, but the City anticipates that Clayton County will consent thereto; and

WHEREAS, given the circumstances and need to immediately acquire title to the Additional Properties, the City desires to condemn the Additional Properties; and

WHEREAS, City of Atlanta Ordinance 01-O-1867 established that the cost incurred by the City in connection with condemning all of the properties set forth in said Ordinance, which authorized acquisition of property for the Fifth Runway Project, not exceed \$149,000,000.00 without additional approval of the City; and

WHEREAS, the City will first pay the cost of condemning the Additional Properties from the \$149,000,000.00 allocated by City of Atlanta Ordinance 01-O-1867; and

WHEREAS, it is anticipated that the cost of condemning all of the properties set forth in City of Atlanta Ordinance 01-O-1867 and the Additional Properties, will not exceed \$149,000,000.00, and therefore no further funds must be presently allocated for the condemnation of the Additional Properties.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1. That the public necessity for immediately acquiring the Additional Properties identified in Exhibit A (which is herein incorporated and made part hereof) and as shown on file with the Program Manager for the Hartsfield Development Program for public use associated with the Fifth Runway Project is hereby declared; and, further, a finding is hereby made that the circumstances are such that it is necessary to proceed with condemnation proceedings by use of the declaration of taking method of condemnation, as authorized by O.C.G.A. § 32-3-1, *et seq.*, and use of that method is hereby authorized to acquire and obtain fee simple title to the Additional Properties.

Section 2. The City Attorney be and hereby is authorized and the City Attorney or her designee be and hereby is directed, with respect to the Additional Properties, to institute condemnation proceedings in the name of the City of Atlanta for the condemnation of said Properties and of every interest therein, for the public uses above set forth, as provided by the Constitution of the State of Georgia, and to use the declaration of taking method as provided in the above referenced laws; provided, however, that once the condemnation proceedings have been filed, and should the opportunity for settlement between the parties develop, the Aviation General Manager or his designee, with the advice and coordination of the City Attorney or her designee, is hereby authorized to enter into settlement negotiations and/or agreements in an effort to resolve and/or settle the condemnation case.

Section 3. That the Mayor of the City of Atlanta is hereby authorized and directed, to sign, for the City of Atlanta, the Declarations of Taking prepared in connection with the condemnation of the Additional Properties.

Section 4. That the cost incurred by the City in condemning all of the properties set forth in City of Atlanta Ordinance 01-O-1867 and the Additional Properties shall not exceed \$149,000,000.00, and shall be paid from Fund Account Center No. 2H26 571001 R21E052096AA.

Section 5. That the Chief Financial Officer be and is hereby authorized and directed to make all necessary and proper payments required in connection with the foregoing, upon receipt of a requisition therefore from the Aviation General Manager or the City Attorney and to make all necessary and proper payments in

connection with the title searches, appraisals, surveys, specialty reports, closings and/or condemnation actions pursuant to this Ordinance.

Section 6. That, in the unanticipated event that any particular condemnation award causes the costs incurred by the City in condemning all of the properties set forth in City of Atlanta Ordinance 01-O-1867 and the Additional Properties to exceed \$149,000,000.00, the Chief Financial Officer is hereby authorized and directed to pay said award and any additional awards of condemnation actions already filed, if not appealed, but no further condemnation actions regarding any of the Additional Properties shall be filed prior to the City Council's authorizing the expenditure of additional funds.

Section 7. That the City Attorney be and hereby is authorized to engage the services of outside attorneys and expert witnesses to assist with the condemnation and/or closing of said Properties.

EXHIBIT A

Additional Properties Needed for Fifth Runway in Clayton County

Airport Parcel No.	Last Known Owner	Tax Id.	Address/Location
506RE	Clayton County	13-072A-A004	Corner of Riverdale Rd. & So. Perimeter Hwy. (shown as Shoreham Drive on Tax Records)
507RE	System Capital Real Property Corp.	13-072A-H016	5174 Riverdale Rd, Atlanta, Ga.
508RE	River Walk Assoc. LP	13-072C-F004	5239 Riverdale Road, Atlanta, Ga.
510RE	Juan J. Perez	13-072A-A006	1465 Shoreham Drive, Atlanta, Ga.
511RE	Don Clay Graves	13-072A-A007	1459 Shoreham Place, Atlanta, Ga.
512RE	Companion Mtg.Corp/Lion Heart Investments	13-072A-A008	1449 Shoreham Place, Atlanta, Ga.
519RE	Vickie R. Garrett	13-072A-A015	5117 Seaborn Place, Atlanta, Ga.
520RE	Janice Renae Parsons	13-072A-A016	5111 Seaborn Place, Atlanta, Ga.
521RE	Cecil Sims	13-072A-A017	Vacant Lot at end of Seaborn Place
524RE	Edwin & Pamela Daniel	13-072A-H017	5186 Riverdale Rd., Atlanta, Ga.
525RE	W. Hinton Stone, Jr.	13-072A-H018	5194 Riverdale Rd., Atlanta, Ga.
526RE	Bobby Clark	13-072A-H019	5200 Riverdale Rd., Atlanta, Ga.
527RE	Michael H. Bond	13-072A-H020	5208 Riverdale Rd., Atlanta, Ga.
528RE	William Paul Smith	13-072A-H021	5214 Riverdale Rd., Atlanta, Ga.
529RE	Lewis M. Lee	13-072A-H022	5220 Riverdale Rd., Atlanta, Ga.
530RE	Arthur G. Dudgeon	13-072A-H023	5228 Riverdale Rd., Atlanta, Ga.
531RE	Charles M. Harrington	13-072A-H024	5236 Riverdale Rd., Atlanta, Ga.
532RE	Joie K. Wong	13-072A-H025	5265 Kingswood Cir., Atlanta, Ga.

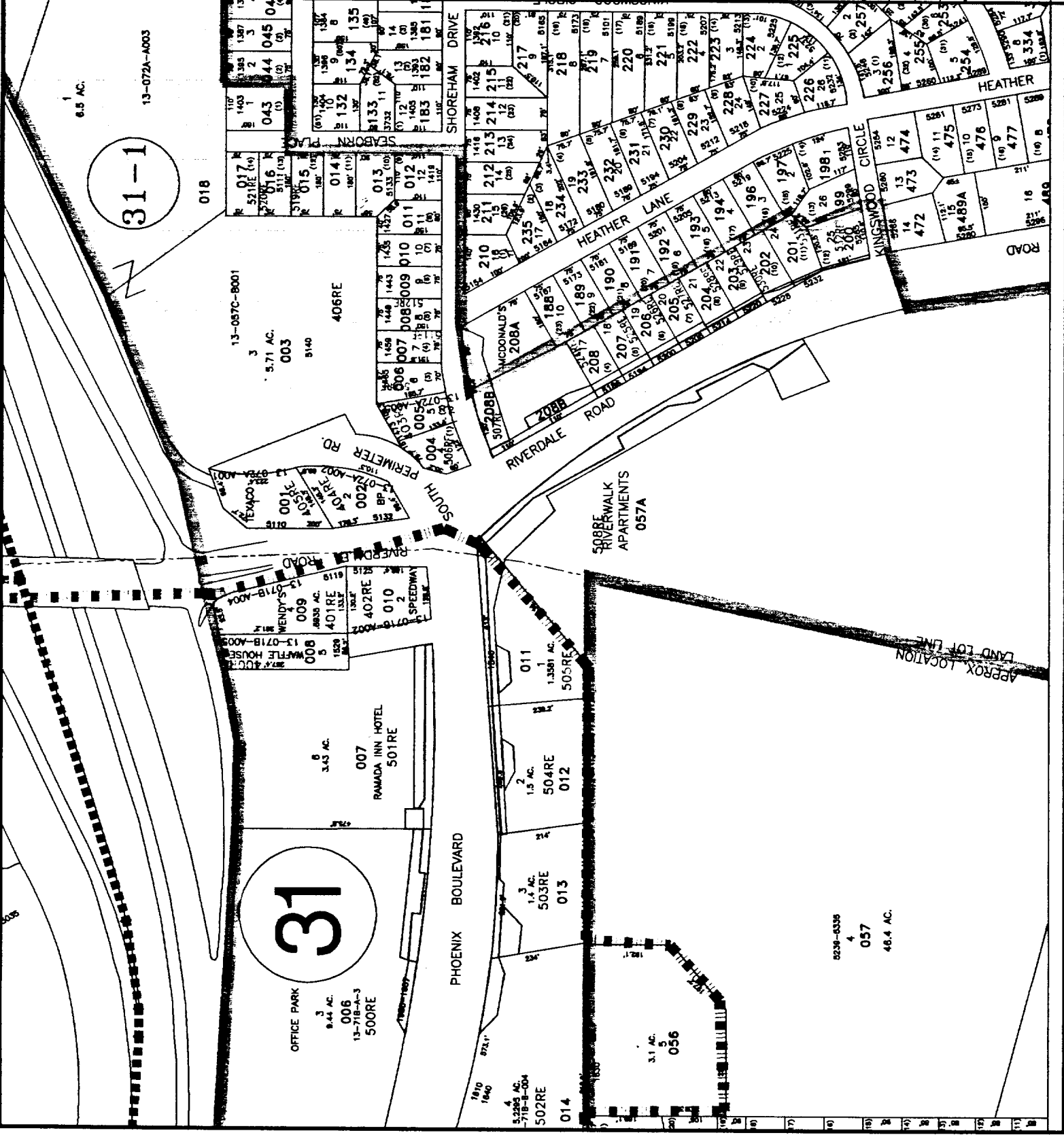
FMO
 Facilities Management Division
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: (404) 321-2000 Fax: (404) 321-2001

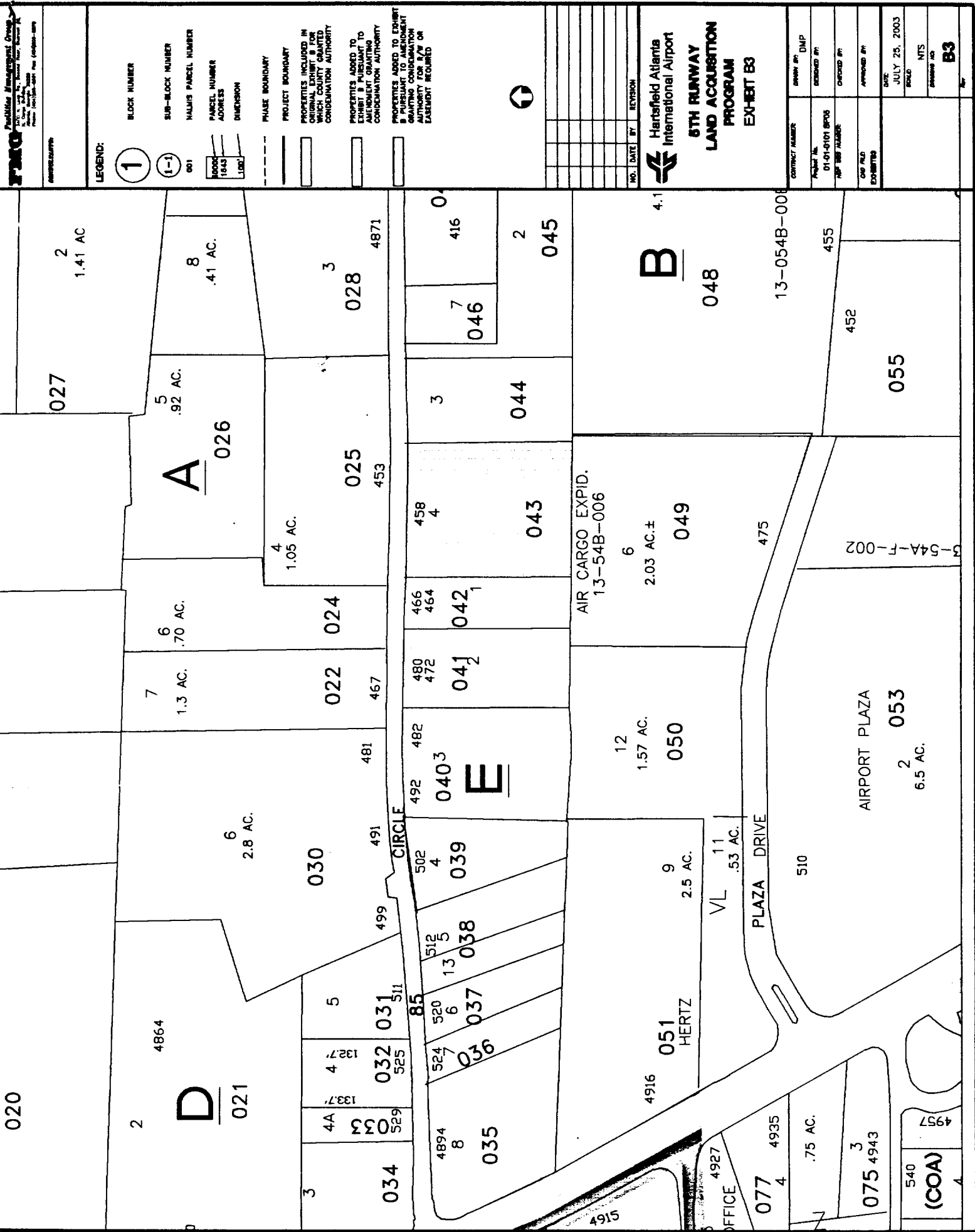
LEGEND:
 BLOCK NUMBER
 SUB-BLOCK NUMBER
 PARCEL NUMBER
 ADDRESS
 DIMENSION
 PHASE BOUNDARY
 PROJECT BOUNDARY
 PROPERTIES INCLUDED IN ORIGINAL SUBMITTAL FOR WHICH COUNTY GRANTED CONDEMNATION AUTHORITY
 PROPERTIES ADDED TO SUBMITTAL PURSUANT TO AMENDMENT GRANTING CONDEMNATION AUTHORITY
 PROPERTIES ADDED TO SUBMITTAL PURSUANT TO AMENDMENT GRANTING CONDEMNATION AUTHORITY FOR R/W OR EASEMENT REQUIRED

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 1843
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Hartsfield Atlanta International Airport
6TH RUNWAY LAND ACQUISITION PROGRAM
EXHIBIT B2

CONTRACT NUMBER
 ORDERED BY
 CHECKED BY
 APPROVED BY
 DATE
 JULY 25, 2003
 ROAD
 NTS
 DRAWING NO.
B2





TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

General Manager's Signature: _____

From: Originating Dept. Aviation

Committees of Purview: TC

Committee Meetings: 07/30/03

Contact: Anita Williams 404-530-6600

Committee Deadline: 07/14/03

City Council Meeting: 08/18/03

CAPTION:

AN ORDINANCE AUTHORIZING THE CITY ATTORNEY TO INSTITUTE NECESSARY LEGAL ACTION THROUGH CONDEMNATION BY DECLARATION OF TAKING METHOD TO OBTAIN FEE SIMPLE TITLE TO THE REAL PROPERTIES DESCRIBED AND IDENTIFIED SAID PROPERTIES BEING LOCATED IN CLAYTON COUNTY AND NECESSARY FOR PUBLIC USE IN CONNECTION WITH THE FIFTH RUNWAY PROJECT AT HARTSFIELD ATLANTA INTERNATIONAL AIRPORT, AND FOR OTHER PURPOSES.

BACKGROUND/DISCUSSION:

The City of Atlanta has undertaken a Capital Improvement Program (CIP) at Hartsfield Atlanta International Airport to accomplish said expansion, the City needed and continues to need to acquire properties lying within the unincorporated portions of Clayton County including but not limited to private property, public property, public streets, public rights of way, and certain easements held by the County. The City and County entered into an Intergovernmental Agreement with each other dated March 16, 2000, in which the City and County set forth their mutually satisfactory understanding regarding issues pertaining to the Airport expansion, including but not limited to the City's ability to condemn property in specific areas located within unincorporated Clayton County. This paper will authorize the City of Atlanta to exercise the Condemnation authority granted to the City of Atlanta by Clayton County.

FINANCIAL IMPACT: Positive

SOURCE: N/A

Mayor's Staff Only:

Received by Mayor's Office: _____ Reviewed: _____
(date) (Initials) (date)

Submitted to Council: _____

Action by Committee: Approved Adversed Held Amended
Substitute Referred Other